

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**IN THE MATTER OF MID-AMERICA
FUELS, INC. AS OWNER *PRO HAC VICE*
OF THE M/V SUE FOR EXONERATION
FROM OR LIMITATION OF LIABILITY**

CASE NO. 10-352-DRH

IN ADMIRALTY

**ORDER FOR AD INTERIM STIPULATION AND DIRECTING
ISSUANCE OF NOTICE AND RESTRAINING SUITS**

Mid-America Fuels, Inc., as owner *pro hac vice* of the M/V Sue (“Petitioner”), by and through counsel, having moved the Court for the entry of an ad interim stipulation and directing the issuance of notice and restraining suits; and having on the 11th day of May, 2010 filed a Complaint for Exoneration From or Limitation of Liability in respect to any loss, damage, or injury arising out of an alleged incident of March 11, 2009 in which the M/V Sue allegedly contributed to the sinking of the M/V Hartford Beaver as Petitioner has set forth in its Complaint, the facts and circumstances upon which said exoneration from and limitation of liability are claimed, and having shown the value of its interest in the M/V Sue, and having further prayed for leave to file a stipulation for the amount of said appraised value, and it appearing that Petitioner desires, pending such appraisal, if any is necessary, to give an ad interim stipulation and to obtain an order directing issuance of notice and to obtain a restraining order;

NOW, on these proceedings and on pleadings that have been duly filed in this proceeding from which it appears that the value of Petitioner’s interest in the M/V Sue did not exceed the sum of \$325,000;

AND, on filing the ad interim stipulation and Letter of Undertaking for value being duly executed by Petitioner, the sum of \$325,000 with interest at the rate of six percent (6%) per annum

from the date of the Letter of Undertaking, after the entry of an order hereby appraising the value of Petitioner's interest in the M/V Sue, the amount so fixed, or within said time to file in this court a stipulation of value in the usual form, and that pending such payment into court, said Letter of Undertaking and said ad interim stipulation shall stand as approved security in these proceedings; it is hereby

ORDERED and ADJUDGED that the execution and filing of said ad interim stipulation shall be without prejudice to the due appraisal of Petitioner's interest under order of this Court, if such is deemed necessary by the Court, of any exceptions thereto any party may have leave to apply to have the amount of said stipulation increased or decreased, as the Court may direct; And it is further

ORDERED and ADJUDGED that a notice shall be issued to all persons set forth on attached schedule "A" who may claim damage for any and all loss, injury, or damages arising out of or occurring by reason of the incident which allegedly occurred on March 11, 2009, involving the maritime incident described in Petitioner's Complaint, citing them to file their claims with the Clerk of Court in writing and to serve copies thereof on attorneys for Petitioner on or before July 15, 2010 and directing any person, firm, or corporation or other entity, private or public, claiming damages as aforesaid, who shall desire to contest the claims of Petitioner, shall answer said petition; And it is further

ORDERED and ADJUDGED that public notice shall be given by publication thereof in the St. Louis Post-Dispatch published in the city of St. Louis, Missouri as provided by Rule F(4) of the Supplemental Rules for Admiralty and Maritime Claims of the United States Supreme Court, and Petitioner shall also mail, not later than one day after the second publication, a copy of said public

notice to every person, firm, or corporation known to have made any claim against the M/V Sue and/or Petitioner arising out of said incident; And it is further

ORDERED and ADJUDGED that a restraining order be issued from this Court restraining and enjoining all claims and proceedings against the M/V Sue and Petitioner in any court whatsoever, except in this proceeding for limitation in respect to any matter arising out of or in conjunction with the aforesaid alleged incident on March 11, 2009 and providing that any pending actions against said vessel and Petitioner shall cease and that the Court enjoin the further prosecution of any action or proceeding against the M/V Sue and Petitioner with reference to any claim arising out of or connected with the aforesaid alleged incident until the termination of this proceeding.

Dated this 17th day of May, 2010.

/s/ David R. Herndon

Chief Judge
United States District Court

SCHEDULE A

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